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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-216-FL-1

UNITED STATES OF AMERICA)
) GOVERNMENT'S NOTICE
v.) RE: SUPPLEMENT TO
) 404(b) HEARING AS TO
DANIEL PATRICK BOYD, et. al.) DATE OF FIREARMS USE

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby provides Notice, as required by the Court, as to supplemental evidence relevant to the possession and use of firearms as referenced in the 404(b) hearing conducted before this Court on August 8, 2011. In support of such supplement, the government shows unto the Court the following:

The government has conducted follow-up interviews of two individuals on the topic of a firearms shooting event attended by defendant Yaghi and which was focused on at the 404(b) hearing of August 8, 2011, before Magistrate Judge Webb. The government had informed the Court that it would file this Supplement by Friday, August 12, 2011. The government apologizes to the Court that this filing was not accomplished until Sunday, August 14, 2011, and asks that the Court accept it despite this.

The government believes that the re-interviews, along with other facts, establish that the shoot took place in December of 2008, not June of 2009. Thus the firearms possession and use took

place prior to defendant Yaghi's felony conviction in the spring of 2009.

The witness' memories seem to indicate that defendant Yaghi was wearing a 'blue hoodie' which makes it less likely that it occurred in June. The witness' memories also indicate that the ammo for this shoot was purchased at a gun show at Dorton Arena. Though gun shows occur with some regularity, there was one in December consistent with the shoot taking place in December.

The government thus believes that a fair reading of the interviews and other evidence indicate that the shoot in which defendant Yaghi is believed to have participated occurred in December 2008 not June of 2009.

Respectfully submitted this 14th day of August, 2011.

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CERTIFICATE OF SERVICE

This is to certify that I have this 14th day of August, 2011, served a copy of the foregoing upon counsel for the defendants in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF:

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and Debra C. Graves
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and further, upon defendant Anes Subasic by placing a copy postage pre-paid in first class mail addressed to: Anes Subasic, Public Safety Center, Attn: Wake County Jail, Post Office 2419, Raleigh, NC 27602.

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